BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF NEVADA

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In The Matter of Charges and)	
Complaint Against)	
ANNETTE MAYES, M.D.)	Case No. 10-10585-1 FILED
Respondent.)	SEP - 1 2010
		NEVADA STATE BOARD OF MEDICAL EXAMINERS
	COMPLAINT	By:

The Investigative Committee of the Nevada State Board of Medical Examiners, composed at the time filing was approved of Benjamin J. Rodriguez, M.D., Mr. Van Heffner, and Beverly Neyland, M.D., having a reasonable basis to believe that Annette Mayes, M.D. hereinafter referred to as Dr. Mayes, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

- 1. Dr. Mayes is currently licensed in active status (License No. 7200), and was so licensed on July 28, 1994 by the Nevada State Board of Medical Examiners pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes.
- 2. Patient A was a twenty-nine year old female patient at the time of the incident in question. Her true identity is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Mayes along with a copy of this Complaint.
- 3. Patient A was pregnant and presented to University Medical Center in Las Vegas on the morning of August 23, 2004 at term.
- 4. Patient A reported experiencing contractions since approximately 3:00 a.m. that morning and had some bloody discharge. A Labor & Delivery Assessment noted fetal stimulation was completed at 10:20 a.m. with no fetal response. At 10:42 a.m., the fetal heart rate decelerated to 80's and 90's, for three to four minute intervals with slow recovery.

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- 5. Dr. Mayes was paged by nursing staff and returned the call at 11:00 a.m. at which time she was given a verbal report regarding the prolonged deceleration and non-reassuring fetal heart rate. Medical records indicate that Dr. Mayes ordered that Patient A be admitted and additional orders were made pursuant to her standing orders for the patient which included the start of IV fluids, artificial rupture of membranes and augmentation of labor with Oxytocin. The standing orders were read back to Dr. Mayes by the nurse.
- The Labor and Delivery Assessment document prepared by the nursing staff indicates that after receiving orders from Dr. Mayes, the Charge Nurse was notified of the poor tracing with deceleration and the necessary admission. Patient A was required to wait for bed availability.
- 7. The medical records do not indicate that Dr. Mayes was contacted again regarding Patient A's condition until between approximately 3:30 p.m. and 4:00 p.m. by the nursing staff who informed her of fetal bradycardia and that Patient A was being prepped for an emergency Cesarean section. Dr. Mayes indicated that she was on her way to the hospital. Dr. Mayes had not personally seen Patient A until her arrival at the hospital during the emergency Cesarean section.
- 8. The infant suffered from severe perinatal asphyxia, seizure disorder and severe hypoxic encephalopathy.

Count I

- 9. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 10. NRS 630.301(4) provides that malpractice is grounds for initiating discipline against a physician licensee.
- 11. Dr. Mayes failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when she failed to personally assess Patient A and the fetus in a timely manner despite being informed by the nursing staff of the prolonged deceleration and nonreassuring fetal heart rate and therefore Dr. Mayes is in violation of NRS 630.301(4).
- 12. By reason of the foregoing, Dr. Mayes is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

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Count II

- 13. NAC 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.
- 14. NRS 630.301(4) provides that malpractice is grounds for initiating discipline against a physician licensee.
- Dr. Mayes failed to use the reasonable care, skill, or knowledge ordinarily used 15. under similar circumstances when she proceeded to order augmentation of labor prior to personally evaluating Patient A and obtaining appropriate informed consent and therefore Dr. Mayes is in violation of NRS 630.301(4).
- 16. By reason of the foregoing, Dr. Mayes is subject to discipline by the Nevada State Board of Medical Examiners as provided in NRS 630.352.

WHEREFORE, the Investigative Committee prays:

- 1. That the Nevada State Board of Medical Examiners give Dr. Mayes notice of the charges herein against her and give her notice that she may file an answer to the Complaint herein as set forth in Section 630.339 of the Nevada Revised Statutes within twenty (20) days of service of the Complaint.
- 2. That the Nevada State Board of Medical Examiners set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
- 3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose if it determines there has been a violation or violations of the Medical Practice Act (Nevada Revised Statutes Chapter 630) committed by Dr. Mayes; and
- 4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Mayes its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and

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1	5. That the Nevada State Board of Medical Examiners take such other and further
2	action as may be just and proper in these premises.
3	DATED thisday of September, 2010.
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5	THE NEVADA STATE BOARD OF MEDICAL EXAMINERS
6	By Xxx Cr) gay
7	Lyn E. Beggs, Esq. \\ General Counsel and Attorney for the Investigative Committee
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9	VERIFICATION
10	STATE OF NEVADA)
11	COUNTY OF CLARK) : ss.
12	BENJAMIN J. RODRIGUEZ, M.D., having been duly sworn, hereby deposes and states
13	under penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada
14	State Board of Medical Examiners that authorized the complaint against the Respondent herein;
15	that he has read the foregoing Complaint; and that based upon information discovered in the
16	course of the investigation into a complaint against Respondent, he believes that the allegations
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18	and charges in the foregoing Complaint against Respondent are true, accurate, and correct. DATED this
19	DATED uns (day of) often her, 2010.
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22	BENJAMIN J. RODRIGUEZ, M.D.
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OFFICE OF THE GENERAL COUNSEL Nevada State Board of Medical Examiners

(775) 688-2559

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on 1st day of September 2010; I served a file copy of the COMPLAINT, PATIENT DESIGNATION, ORIGINAL SETTLEMENT, WAIVER & CONSENT AGREEMENT and Fingerprint Information by mailing via USPS certified return receipt to the following:

Annette Mayes, M.D. 1815 E. Lake Mead Blvd. #314 North Las Vegas, NV 89030

Dated this 1st day of September 2010.

Angelia L. Donohoe Legal Assistant